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Remarks

In furtherance of the Request for Continued Examination filed herewith,

Applicants respectfully request reconsideration of this Application and consideration of

the foregoing amendment, which is hereby submitted in accordance with 37 C.F.R.

§ 1.114.

Upon entry of the foregoing amendment, claims 1-35 are pending in the

application, with 1, 22, 30, 31, and 34 being the independent claims. Claims 1-5, 7-11,

13, 14, 19, 22, and 30 are sought to be amended. New claims 31-35 are sought to be

added. These changes are believed to introduce no new matter, and their entry is

respectfully requested.

Based on the above amendment and the following remarks, Applicants

respectfully request that the Examiner reconsider all outstanding objections and

rejections and that they be withdrawn.

Personal Interview

A personal interview was held on Thursday, April 21, 2005, between Examiner

Belix M. Ortiz, Examiner Charles Rones, and Applicants' representative Kendrick P.

Patterson (Registration. No. 45,321). Applicants would like to thank the Examiners for a

helpful and constructive interview.

During the interview, Applicants' representative and Examiners Ortiz and Rones

discussed the differences between the Applicants' invention and the cited documents

(namely, U.S. Patents 6,567,408 and 6,600,744, and U.S. Patent Application Publication

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2002/0089937). Applicants' suggested various amendments to Claims 1, 22, and 30, which are presented above and summarized below.

Allowable Subject Matter

In the Office Action, the Examiner sustains the objection to claims 7-9, 11, and 12 as being dependent upon a rejected base claim, but the Examiner indicates that these claims would be allowable if rewritten in independent form to include the limitations of the independent and intervening claims. (Paper No. 20050129, page 16). Applicants acknowledge with appreciation the Examiner's conditional allowance of these claims.

Further to the Examiner's suggestion, new claims 31-35 have been added to rewrite claims 7-9, 11, and 12, respectively, in independent form. As indicted by the Examiner, these claims should be in condition for allowance, and Applicants respectfully request reconsideration and allowance thereof.

Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner sustains the rejection of claims 1-6, 10, and 13 under 35 U.S.C. § 102(e), as allegedly being anticipated by U.S. Patent 6,567,408 to Li *et al.* (herein referred to as "Li"). (Paper No. 20050129, page 2). Although Applicants respectfully disagree, this rejection is invalid in light of the above amendment. For example, Applicants' claim 1 has been amended to recite the following feature:

> analyzing each of said plurality of bit positions to select a first bit position to partition said collection into at least two sets of siblings, wherein said analyzing includes applying at least one of empirical knowledge or a computed metric for each bit position to select said first bit position.

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The above feature, among others, is clearly not disclosed by Li. Claims 2-6, 10, and 13 depend from independent claim 1, and therefore, are patentable for at least the reasons provided above, in addition to the features recited therein. Applicants respectfully request reconsideration and withdrawal of the rejection of the above claims, and allowance thereof.

Rejections under 35 U.S.C. § 103

In the Office Action, the Examiner sustains the rejection of claims 14-30 under 35 U.S.C. § 103 as allegedly being unpatentable over a combination of the following documents:

  a) Li (discussed above);
  b) U.S. Patent 6,600,744 to Carr *et al.* (herein referred to as "Carr"); and
  c) U.S. Patent Application Publication 2002/0089937 to Venkatachary *et al.* (herein referred to as "Venkatachary") (Paper No. 20050129, page 5-16).

Although Applicants respectfully disagree, this rejection is invalid in light of the above amendment.

As discussed above with respect to the rejection of independent claim 1, Li does not teach or suggest Applicants' invention, as previously recited or as amended. In addition, Li does not teach or suggest, for example,:

> wherein said mask constructor applies at least one of empirical knowledge or a computed metric for each bit position to select the bit position corresponding to each index key,

as recited in independent claim 22, or:

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wherein said first computer readable program code means applies at least one of empirical knowledge or a computed metric for each location to select the bit position corresponding to each index key,

as recited in independent claim 30.

Carr and/or Venkatachary does not cure the deficiencies of Li, since neither document teaches or suggests (alone or in combination), for example, the above features in independent claims 1, 22, and 30. Dependent claims 14-21 depend from independent claim 1, and dependent claims 23-29 depend from claim 22. Therefore, these claims are patentable over Li, Carr, and Venkatachary for at least the reasons stated above, in addition to the features recited therein. As such, Applicants respectfully request reconsideration and withdrawal of the rejection of the above claims, and allowance thereof.
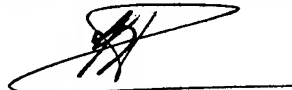
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Atty. Dkt. No. 1875.0360001

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Kendrick P. Patterson
Attorney for Applicants
Registration No. 45,321

Date: ___May 9, 2005___

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

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